

REMARKS/ARGUMENTS

Claims 9-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ning.

Claim 9 comprises the limitation of forming an etch-stop/barrier layer over said first dielectric layer and said copper layer wherein said etch-stop/barrier layer contacts said copper layer. In forming the rejection to claim 9 the examiner states that the dielectric layer 12 in the Ning reference functions as a barrier layer. The examiner is referred to col. 4, lines 13-26 where the layer 12 is clearly defined by Ning as a dielectric layer. Layer 12 forms the dielectric layer for the capacitor whose plates are formed by layers 10 and 16. The layer 12 does not function as a barrier layer or etch stop layer as required by claim 9. The examiner is reminded that the limitation of an etch stop layer refers to a specific function in the integrated circuit fabrication process. The fact that silicon nitride can be used to form many different layers in an integrated circuit does not mean that all the different layers perform the same function or have the same description. For example, silicon nitride can be used to form the dielectric layer in a MOS capacitor as described in the Ning reference or it can be used to form the capping layer of a MOS transistor. Clearly these layers, although both comprising silicon nitride, have different functions and are different layers. In a similar manner, an etch stop layer and a capacitor dielectric layer are different layers having different functions. This limitation clearly differentiates claim 9 from the cited reference and claim 9 is allowable over the cited art. Claims 10-13 and 15 depend on claim 9 and therefore contain all the limitations of claim 9. Dependent claims 10-13 and 15 are therefore also allowable over the cited art.

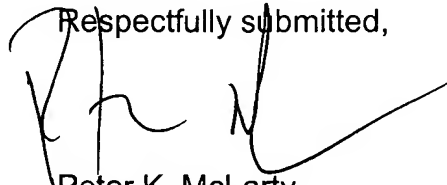
In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is

respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicant petitions for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter K. McLarty', with a long horizontal flourish extending to the right.

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Amendments to the Drawings:

None